



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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Phone 800-227-8917  
[www.epa.gov/region8](http://www.epa.gov/region8)

OCT 25 2018

Ref: ENF-RC

Mr. Kerry Gee  
Vice President, United Park City Mines  
P.O. Box 1450  
Park City, Utah 84060

Re: Future Response Cost Letters, Richardson Flat Site Operable Unit 1 and Operable Units 2/3

Dear Mr. Gee:

This letter responds to the objections of United Park City Mines (UPCM) to the August 24, 2018, bills for future response costs at operable unit 1 (OU1) and operable units 2 and 3 (OU2/3) of the Richardson Flat Site (Site) in Park City as submitted by the U.S. Environmental Protection Agency to UPCM for payment. Pursuant to the terms of the OU1 consent decree (CD), and the OU2/3 administrative order on consent (AOC), payment was due within 30 days of UPCM's receipt of the bills. Instead of timely payment, UPCM sent two letters on September 28, 2018. In one letter, UPCM objected to the EPA description of activities conducted in OU1 generated by the accounting system. In the second letter, UPCM requested additional information prior to paying.

UPCM's objection for the OU1 bill concerns the computer-generated activity descriptions included in the backup documentation of the bill. Specifically, UPCM notes that activities listed in the billing documentation are not activities currently occurring at the Site. Due to internal accounting procedures, once activity descriptions at a Site are set, they remain fixed. The Site's activity descriptions were established at the beginning of the EPA's involvement at the Site, which is why they reference activities that occur early in the Superfund process, such as remedial investigation/feasibility study. The EPA's actual activities during the last year included reviewing or developing reports and verifying the work. These activities are included in the CD's definition of "Future Response Costs," and were properly included in the OU1 bill.

With respect to OU2/3, UPCM referenced previous objections, and requested additional supporting documents. Enclosed is a compact disk with Tetra Tech activity descriptions for work billed. Aside from the Tetra Tech documents, UPCM's previous objections were resolved in the EPA's favor almost two years ago through the dispute resolution procedures established in the OU2/3 AOC. Despite agreeing in the OU2/3 AOC to be bound by such dispute resolution processes, UPCM's bills since 2015 remain unpaid.

The EPA expects payment of both the OU1 and the OU2/3 bills within 30 days of UPCM's receipt of this letter. Including unpaid bills from 2014, 2015, 2016, 2017, and accrued interest EPA is now due \$918,947.97. Should you have questions, please contact me at (303) 312-6591. Legal questions should be directed to Amelia Piggott at (303) 312-6410.

Sincerely,

  
Matt Hogue  
Technical Enforcement Specialist  
U.S. EPA Region 8

Enclosure

## Hogue, Matthew

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**From:** Kerry Gee <kcgee@unitedpark.com>  
**Sent:** Friday, October 26, 2018 12:47 PM  
**To:** Hogue, Matthew  
**Cc:** Parker, Robert; Piggott, Amelia; Kevin Murray  
**Subject:** Re: Letter regarding OU 2-3 Oversight Costs

Thank you

Kerry

Sent from my iPhone

On Oct 26, 2018, at 9:37 AM, Hogue, Matthew <[Hogue.Matthew@epa.gov](mailto:Hogue.Matthew@epa.gov)> wrote:

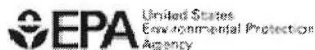
Mr. Gee –

EPA is mailing a response to UPCM's objections raised in 2 separate letters dated 9/28/2018. A copy is attached for your convenience. The response letter will also include a password protected flash drive with the requested Tetra Tech documents. Upon opening the flash drive, click on the last file which is an executable file labeled; San Disk Secure Access V3\_win.exe. Enter the case sensitive password listed below.

Password: uPCM#21

Thanks,

Matt Hogue



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Matt Hogue  
Environmental Protection Specialist – Region 8  
CERCLA (Superfund) Technical Enforcement Program  
[hogue.matthew@epa.gov](mailto:hogue.matthew@epa.gov)  
303.312.6591

**From:** Kerry Gee [<mailto:kcgee@unitedpark.com>]  
**Sent:** Friday, September 28, 2018 8:17 PM  
**To:** Hogue, Matthew <[Hogue.Matthew@epa.gov](mailto:Hogue.Matthew@epa.gov)>  
**Cc:** Parker, Robert <[Parker.Robert@epa.gov](mailto:Parker.Robert@epa.gov)>; Piggott, Amelia <[Piggott.Amelia@epa.gov](mailto:Piggott.Amelia@epa.gov)>; Kevin Murray <[KRMurray@hollandhart.com](mailto:KRMurray@hollandhart.com)>  
**Subject:** Letter regarding OU 2-3 Oversight Costs

Matt:

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